

WRIT PETITION NO. 2550 OF 2017

- Ms.Rohini M. Dandekar, Advocate appointed for the Petitioner.
- Ms.G.P. Mulekar, A.P.P. for the Respondent-State.

DATE : 22nd AUGUST, 2017.

1] Heard both sides.

2] The Petitioner preferred an application for furlough on 20/10/2016. The said application was rejected by order dated 12/01/2017. Being aggrieved thereby the Petitioner preferred an appeal. The said appeal was dismissed by order dated 4/5/2017, hence this petition.

3] The reason for rejecting the application of the Petitioner for furlough is that, in the year 2012, when the Petitioner was released on furlough, he reported back one day late to the prison. Thereafter, in the year 2013, when the Petitioner was released on

parole, he did not report back to the prison in time and there was delay of 96 days in reporting back to the prison. Hence, it was apprehended that, if the Petitioner was released on furlough, he may not report back to the prison. As far as this apprehension is concerned, Ms.Dandekar pointed out that in the year 2013, when the Petitioner was released on parole, though there was over stay of 96 days, he reported back to the prison on his own and it is not a case that Police had arrested the Petitioner and brought him back to the prison. She also pointed out that there is no adverse report regarding the conduct of the Petitioner in the prison.

4] Looking to the above facts and other circumstances, we are inclined to grant furlough to the Petitioner. The Petitioner to be released on furlough on the usual terms and conditions as set out by the competent authority.

5] Rule is made absolute in above terms.

6] Office to communicate this order to the Petitioner, who is in Nashik Road Central Prison, Nashik.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (SMT. V.K. TAHILRAMANI, J.)